(3) CF 2004

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 3471 /2003

PETITIONERS: 1. Ku. A. Indira D/O Shri A.Venket
Typist, District Bar Association
Raipur ,Distt.Raipur (C.G.)

2. Manohar Jethani
S/O Dr. Varial Das Jethani
Aged about 35 Years
R/O Ganesh Ram Nagar,Bans -Taal
Amardeep talkies Road, Post & Tehsil-Raipur
Distt. Raipur.[Chhattisgarh]

VERSUS

RESPONDENTS: [1] State of Chhattisgarh
Through Secretary
Urban Development Administration
DKS Bhawan
Raipur.[Chhattisgarh]

[2] Secretary
Health Department
DKS Bhawan
Raipur.[Chhattisgarh]

RECEIVED COPY
Clerk to A. G. 16-12-03

P. R. No. 3391/03
Presented by Shri ... At 01.50 pm
dated 16.12.03

[3]Municipal Corporation Raipur
Through ,
Commissioner Municipal Corporation
Raipur ,District Raipur (C.G.)

[4] Secretary
Health & Family Welfare
Medical Education
D.K.S.Bhawan ,Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC OR ANY OTHER DIRECTIONS OR ORDER TO DO JUSTICE IN THE MATTER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3471/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23-1-2004

Shri Vipin Punjabi, counsel for the petitioners.

Shri Sanjay K. Agrawal, Deputy Advocate General, for respondents 1, 2 and 4.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India seeking direction against respondents that they be directed to remove the slaughter house and connecting shops which are being run by their owners out of the notified area of the Municipal Corporation, Raipur.

The case of the petitioners is that they are the residents of Raipur Municipal Corporation situated in the heart of the city and highly populated area, most of the business complex, shopping complex, main post office, talkies, Government and Semi-Government Institutions are situated in this area. However, in this area many persons, without any licence, are selling fish, mutton fleshes and chicken in their shops which is evident from the photographs, Annexure-P/2.

50 years ago respondent No.3 notified and approved the land near Jawahar Market for slaughter house and given permission for sale of fishes, mutton fleshes and chicken. However, in spite of that notification some of the persons are doing that business without

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3491/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

holding valid licence near Amardeep talkies at Raipur, whereas as per the provisions of Sections 255 and 257 of the Municipal Corporation Act, 1956 "no person shall or expose for sale any animal or meat or fish intended for human food in any place other than a Corporation or licensed market."

Learned counsel for the petitioners submits that in violation of the Sections 255 and 257 of the Municipal Corporation Act near Amardeep talkies certain persons are selling mutton, fish etc. without valid licence. The petitioner made a representation, Annexure-P/3 to the Secretary, Health and Family Welfare respondent No.4 and Municipal Corporation, Raipur, respondent No.3, but so far they have not passed any order or taken any action on the representation. Counsel further submits that a direction be issued to comply with the provisions of Sections 255 and 257 of the Municipal Corporation Act, 1956 to which the learned counsel for respondents has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are allowed to make a fresh representation to respondent No.3 raising all their grievances and in turn respondent No.3 will pass appropriate order as per the legal provisions and take appropriate action within 30 days from the date of receipt of representation.

(31)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3471/09 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	With the above direction, the writ petition stands disposed of. Consequently, I.A. Nos.9987/2003 and 01/2004 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	